

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

LARRY THOMAS O'BRIEN,

Plaintiff

VS.

WILSON PAULK, Clerk, Superior Court
of Atkinson County, *et al.*,

Defendants

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NO. 7:11-cv-39 (HL)

ORDER

Before the Court is *pro se* plaintiff **LARRY THOMAS O'BRIEN'S** "Motion for Relief from Judgment on July 13, 2010" (Tab # 19). In said judgment, this Court dismissed the instant 42 U.S.C. § 1983 lawsuit because plaintiff had three "strikes" at the time he filed the complaint. *See* 28 U.S.C. § 1915(g). Plaintiff now asks, *inter alia*, that this Court "immediately investigate motives behind the transfer of court procedures from Berrien County Superior Court to Atkinson County Superior Court without change of venue."

Under Rule 60(b) of the Federal Rules of Civil Procedure, a district court may relieve a party from a final judgment for any of the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or other misconduct of an adverse party; (4) a void judgment; (5) a satisfied, released, or discharged judgment; or (6) any other reason justifying relief from the operation of the judgment. Fed.R.Civ.P. 60(b). Relief under Rule 60(b)(6) "is an extraordinary remedy which may be invoked only upon a showing of exceptional circumstances." *Griffin v. Swim-Tech Corp.*, 722 F.2d 677, 680 (11th Cir. 1984).

This Court finds that plaintiff has made no intelligible allegations that would justify relief under Rule 60(b)(1)-(5) and has made no showing of exceptional circumstances as required for relief under clause (b)(6). Accordingly, this Court will not revisit its previous dismissal of plaintiff's case.

In light of the foregoing, plaintiff's motion for relief from judgment is hereby **DENIED**. As this is the third post-judgment motion plaintiff has filed in this case, the Court hereby advises plaintiff that subsequent motions for reconsideration shall be subject to summary dismissal.

SO ORDERED, this 24th day of May, 2011.

s/ Hugh Lawson
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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